



Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes September 19, 2022

Present: Jeff Shaw, Paul Balutis, Lauren Steele, Phil Bertuglia, Russell Holden, James Clancy, and Conservation Agent Emily Petro

Absent: Tomas Etzold

CALL TO ORDER:

It being approximately 6:30 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chairperson followed by the pledge of allegiance.

The Chairperson welcomed new member James Clancy to the commission.

PUBLIC HEARINGS

1. Request for Determination (RDA) – 149 Old Millville Road

Applicant: Lisa Hilpl

Project Description: Removal of dead and dying trees that are located on the bank of and within the 200-foot Riverfront Area of the Blackstone River.

Motion: Mr. Holden made a motion to open the public hearing for the RDA for 149 Old Millville Road. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

Presentation/Discussion: Lisa and Peter Hilpl, the homeowners, attended the meeting to present the RDA. They are requesting permission to remove three dead oak trees located on the bank of the Blackstone River. They displayed photographs of each tree along with photos of large leaders and branches on the ground. They are concerned for their safety in that area of their property.

Ms. Petro visited the site. She reviewed her authority to allow for up to 4 hazardous trees and what constitutes hazardous – the tree(s) poses a threat to private or public property. Because the trees they would like to remove are located on the bank/riverfront and not within the vicinity of house or any accessory structures, members assessed options and the trees' ecological value. There was discussion with the homeowners about allowing trimming but leaving 8-10' of the trunk for habitat. There was also a brief review of section (s) of 10.53 General Provisions which allows for the cutting of wood for personal use.

Motion: Mr. Balutis made a motion to close the public hearing for 149 Millville Road. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 6-0-0.

Motion: Mr. Balutis made a motion to issue a Negative Determination of Applicability for 149 with the condition that trees may be cut to a vertical height of 8' to 10' and no grubbing or stumping or removal of material shall occur. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 6-0-0.

2. Request for Determination (RDA) – Lackey Dam Road

Applicant: Eversource Energy

Representative: SWCA Environmental Consultants

Project Description: The installation of a ±8,950-linear foot new natural gas distribution pipeline main that would be installed in concert with new water and sewer utilities installed by the Town of Douglas, within an existing roadway in Uxbridge and Douglas. The project is an extension of an existing distribution main beginning in the Town of Uxbridge and extending to the Town of Douglas. The portion of the main that would be in Uxbridge would be ±2,737 linear feet from the Town Line on Lackey Dam Road.

**Mr. Clancy recused himself from discussion per the conflict of interest law.*

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Presentation/Discussion: Meredith Borenstein, SWCA Environmental Consultants, attended on behalf of Eversource Energy to present the RDA. She explained that this project is an extension of an existing distribution main beginning in the Town of Uxbridge extending to the Town of Douglas. The eastern portion of the project was permitted in the Spring of 2022.

The portion of main that will be in Uxbridge is ±2737 linear feet from the town line on Lackey Dam Rd (connecting to the existing main line ending at approximately 17 Lackey Dam Rd.).

Ms. Borenstein explained the work meets the minor buffer zone exemption under 310 CMR 10.02 (2)(b)2.i. The proposed project, in Uxbridge, occurs within the 100' buffer zone, is temporary in nature and located entirely within the existing roadway layout. She said the new pipe will be installed using typical open cut methodology (dig, install, cover, repave) and described the erosion controls proposed to be staked along the project work area and the regulated resources.

Members reviewed the erosion controls specified and requested the use of compost tubes. They also requested a condition that any open trench be covered at the close of work day. Ms. Borenstein was amenable to the conditions discussed.

Motion: Mr. Balutis made a motion to close the public hearing for Lackey Dam Road. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 5-0-0.

Motion: Mr. Balutis made a motion to issue a Negative Determination of Applicability the work on Lackey Dam Road with the following two conditions 1) compost socks are used for erosion control; 2) the trench is covered at the end of the day. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 5-0-0.

3. Notice of Intent (NOI) DEP #-312-11XX 35 Commerce Drive (Map 40, Parcel 3086)

Applicant: Jay Lemire, Unilock New York, Inc.

Representative: Jeffrey Hershberger, TRC Companies, Waltham, MA

Project Description: Modifications of an existing test well to provide process water to the facility

Motion: Ms. Steele made a motion to open the public hearing for the NOI for 35 Commerce Drive. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

Presentation/Discussion: Jay Lemire, Unilock and Jason Ringler, TRC Companies attended the meeting to review the request. Mr. Lemire said Unilock recently purchased 3 adjacent properties that include a mapped aquifer area in order to develop the necessary water supplies for to support the expanded facility. This NOI addresses the work associated with the use of an existing test well on one of the newly acquired properties to provide *process water* to their expanded facility.

Mr. Ringler explained that the majority of the work will be in the recently purchased parcel which is undeveloped land that consists of previously delineated wetlands and unmanaged vegetation and trees with historic unpaved access road to the existing test well area. The property was delineated in October and November 2017 by Ecotec in response to an Enforcement Order issued to the previous owner. Mr. Ringler stated that the delineation remains accurate and reviewed the existing conditions plan. The work is outside any buffer zones but is located within NHESP priority habitat for the wood turtle. They have started dialog with NH and submitted a wood turtle education and avoidance plan for approval. There was a review of the proposed construction sequence (set up erosion control, scan for turtles, begin construction, reseed upon completion with restoration seed mix).

DEP has not issued a file number yet and they are still awaiting NHESP's comments. There was some discussion with members regarding access and the condition of the existing test well. Mr. Lemire provided more details related to the use of the wells – they will be making modifications to their existing process water supply and creating a separate water supplies for drinking water and process water.

Motion: Mr. Holden made a motion to continue the public hearing for 35 Commerce Drive. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 6-0-0.

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CERTIFICATE OF COMPLIANCE REQUESTS

** The COC requests were taken out of posted agenda order to accommodate representatives in attendance.*

1. 312-1091 437 East Street / Tabor Road

Kerry Keegan, Allen Engineering attended the meeting and provided a review of the project, resource areas and current conditions. Ms. Petro & Mr. Shaw both viewed the site and recommended issuing the CoC. It was noted that there are some areas of lawn not fully established but this area is well outside the resource areas on the site.

Motion: Mr. Bertuglia made a motion to approve the Certificate of Compliance request for 437 East Street. Ms. Steele, seconded and the motion passed unanimously by vote of 6-0-0.

2. 312-1021 748 West Street

This project has been complete for some time. Ms. Petro visited the site and reported everything is vegetated and stable. Approval of the request was on hold because the OOC was recorded. The applicant has since recorded the OOC and provided proof to the office.

Motion: Mr. Balutis made a motion to approve the Certificate of Compliance request for 748 West Street. Ms. Steele seconded, and the motion passed by unanimously by vote of 6-0-0.

3. 312-1045 1025 Quaker Highway

The Commission has not received any correspondence or updates since the request was discussed during the 8/15/22 meeting. The request was continued as the representative was going to clarify & report back whether the basin is a detention or infiltration and whether it has been maintained per the O&M procedures.

Motion: Ms. Steele made a motion to deny the Certificate of Compliance request for 1025 Quaker Highway. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

WETLAND UPDATES AND ISSUES

1. Request to Extend Order of Conditions – DEP File # 312-1065, Campanelli Business Park, Kelly Engineering

- David Mackwell, Kelley Engineering, attended on behalf of Campanelli Development LLC, request to extend the OOC for one year. Mr. Mackwell stated that the applicant has completed the majority of the work associated with the order. The approved wetland crossing and associated replication areas have been completed and inspected. The end of the proposed subdivision roadway is still under construction because the project located at lot 2b/3 (still under construction) has two driveways w/in the cul-de-sac of the subdivision roadway. The remaining roadway work will be complete in conjunction with completion of the work on lot 2b/3 (DEP312-1118).

Motion: Ms. Steele made a motion to extend the Order of Conditions for DEP 312-1065 for one year. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

** The following item was taken out of posted agenda order to accommodate representatives in attendance.*

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive **Mr. Bertuglia recused himself from discussion per the conflict of interest law.*

- Elizabeth Mainini, Guerrier and Halnon attended the meeting on behalf of Uxbridge Multi Family Realty. She informed the Commission she has taken on a new position with the Town of Milford so this will be her last meeting. She reported the site looked good for the most part – they only erosion was coming from the swale in the back yards of Tea Party. She said the basin's forebay is doing its job. She recommended replacing the silt fence at the outlet with haybales.
- Mr. Shaw said the site looks good but there are still issues with the seeding and spreading.
- The new construction supervisor is Alex G? and Mike Morant is also working at the site. Dale McKinnon will be back for G&H.

WETLAND UPDATES AND ISSUES

2. Discussion of site compliance regarding active & expired Orders of Conditions

- Elmdale Road and Bacon Street – yard waste being dumped by the wetland. It is not believed that it was put there by the property owner it looks like a place neighbors may have dumped their grass clippings & brush. A

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letter sent to the homeowner and has not yet been responded to. Ms. Petro said she would follow up with the owner and members agreed to remove from agenda.

- 515 Douglas Street DEP 312-1104 (Amazon) – members discussed visiting the site to view the salamander fencing and signage for the CR. Members agreed to remove from agenda.
- 358 Douglas Street DEP 312-1124 (Pine Ridge Estates) – There has been tree removal in a resource area and the wood has been for sale. Ms. Petro issued a violation letter but hasn't received any response. Members discussed the regulations around tree removal for personal use/commercial use and agricultural exemptions. Ms. Petro reviewed information she received from DEP circuit rider – page 5-8 of the Farming in Wetlands Resource Areas Manual which can be found on mass.gov. Members agreed to remove from agenda.
- 170 Rivulet Street – there was a concern that an abutter may be encroaching on the property (a few trees have been removed and a shed at the end of the driveway). Members discussed the benefit of having the property surveyed to ensure accuracy. Mr. Holden clarified that the parcel is restricted Conservation Land that was given to the Conservation Commission – slightly different than a CR. Ms. Petro agreed to discuss further with the DPW director.

REPORTED/ONGOING VIOLATIONS

2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision

- Ms. Petro was expecting Byron Andrews, DiPrete Engineering, would be in attendance to provide an update. Mr. Andrews had reached out to Ms. Petro inquiring what needs to be done to move forward. Ms. Petro investigated and informed him that the matter is technically in DEP's hands since an ACO was issued and the OOC is expired. The developer is supposed to be engaged in remedying all the wrong that occurred on the site and she advised it would be in their best interest to get everything in order with DEP before moving forward with a new NOI. Although the fine was paid, doesn't appear that any of the work that DEP required has been completed (basin has not been scarified and basin walls have not been reconstructed, etc). Members agreed – the proponents need to go back to DEP to determine what else needs to be done to satisfy the ACO and then whatever hasn't been done would require plans and permitting to complete before moving on to further development.

3. 206 Hazel Street –

- Ms. Petro provided a brief background and current status of the property. Conservation initially became involved because there was some tree clearing and a failed septic system within 30' of a perennial stream. BOH was also investigating other problems w/ the property. Ms. Petro made a connection and scheduled a meeting with a representative of Dept of Agriculture for a potential grant funds to help bring the property into compliance. Before the meeting took place and after a more detailed inspection by the BOH the house was condemned. At this point any grant funds would only be considered if the homeowner can obtain quotes from contractors to demonstrate the cost would fit within the grant funds available.

4. 215 Henry Street - Still waiting for the signed Memorandum of Understanding to be returned from the owner and Mr. Shaw agreed to reach out to the owner.

ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. 209/201 River Road (potential violation – work in riverfront)

- Background: Almost the entire property is located in the 200' riverfront. An OOC was issued 10/23/2013 for a sewage disposal system installation. Two enforcement orders and one stop work order issued in 2015 and the OOC was revoked in April 2016. Our current agent received a report and photographs that the system was installed and there has been recent work on the property. After investigation, Ms. Petro determined the photographs supplied were from 2020 and the system was permitted & approved by the BOH who may not of known the property was under enforcement with the Commission. Because it was installed over 2 years ago the statute of limitations has ran out for Conservation Commission to take enforcement action of that work. DEP recommends the Commission write a letter encouraging the property owners to permit any additional site work. Ms. Petro left a message to the original applicant inviting her into discuss getting the property in compliance.

2. 135 Ironstone Road Planet Fast Pitch

- Work was permitted in 2012 which had been renewed but outside site work has recently been place (clearing and fitted stone work, new pipes, screen of rocks). Ms. Petro agreed to investigate the status of their permit and invite them to the next meeting.

3. Blue Wave Solar – Members discussed the project and Ms. Petro agreed identify new owners and request CoC.

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4. 146A/Balm of Life Spring – DPW stormwater runoff “fix” is not working properly. Ms. Petro notified Mr. Sherman and agreed to mention it to him again. There is a Blackstone River monitoring station at that spot.

PROCESSING

1. Minutes 7/18/22, 8/3/22, 8/15/22

– 8/3/22 Passed over to make corrections.

Motion: Mr. Balutis made a motion to approve the 7/18/22 Conservation Commission meeting minutes as written. Ms. Steele seconded, and the motion passed by vote of 4-0-2

Motion: Mr. Balutis made a motion to approve the 8/15/22 Conservation Commission meeting minutes as written. Ms. Steele seconded, and the motion passed by vote of 3-0-0.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday October 3, 2022

Motion: Mr. Bertuglia moved to adjourn the September 19, 2022 meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman